

**FILED**

MAY 22 2018

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

P. Stephen Lamont  
Confidential  
Santa Clara, Cal. 95110  
Tel.: (914) 217-0038  
Email: [p.stephen.lamont@gmail.com](mailto:p.stephen.lamont@gmail.com)

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF CALIFORNIA**

**P. STEPHEN LAMONT**

Plaintiff,

v.

**NOREEN T. ROTHMAN, WAYNE HUMPHREY,  
RAMONITA REYES, LESLIE FARUCCI,  
COUNTY OF WESTCHESTER**

Defendants.

**JURY TRIAL DEMANDED**

**COMPLAINT FOR VIOLATION OF 18 U.S.C.A. §§ 1961 et seq.**

**JURISDICTION**

1. This is an action for relief, proximately the result of conduct engaged in by  
Noreen T. Rothman, Wayne Humphrey, Ramonita Reyes, Leslie Farucci, and the

County of Westchester, in violation of 18 U.S.C.A. §§ 1961 et seq., and  
Supplementary Claims.

2. This Court has personal jurisdiction over the Defendants because all factual  
allegations derive from violations of 18 U.S.C.A. §§ 1961 et seq., and for the sake  
of judicial expediency, this Court has supplemental jurisdiction over all other  
claims, brought now or ever, that are so related to claims in the actions of the  
parties within such original jurisdiction that they form part of the same dispute  
pursuant to 28 U.S.C. §1367.

3. This Court has subject matter jurisdiction over this dispute pursuant to 28  
U.S.C. §§ 1331 and 1338 (federal question jurisdiction). Jurisdiction is premised  
upon Defendants' violation of 18 U.S.C.A. §§ 1961 et seq.

#### VENUE

4. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400 because  
the bulk of Plaintiff's business is transacted in Santa Clara County, California, and  
for the Defendants that do not, and for the sake of judicial expediency, this Court  
has supplemental jurisdiction over the Defendants that are so related to claims in the  
actions of the parties within such original jurisdiction that they form the Court's  
jurisdiction is invoked pursuant to 28 U.S.C. §§1331, 1343.

5. This is an action for witness tampering, obstruction of justice, extortion, and  
using power of political office improperly brought against both public and private

actors, who have injured Plaintiff, and caused him to suffer grievous losses.

### THE PARTIES

6. Plaintiff, P. Stephen Lamont (hereinafter "Lamont" or "Plaintiff"), is a *sui juris* resident of Santa Clara County, California residing at:

Confidential  
Santa Clara, Cal 95110  
Tel.: +1 (914) 217-0038

7. Federal defendant Noreen T. Rothman (hereinafter "Rothman") is a *sui juris* Assistant County Attorney in the Offices of John M. Nonna, Westchester County Attorney with a principal place of business at:

148 Martine Avenue  
Westchester County,  
White Plains New York 10601  
+1 (914) 995-2000

8. Federal defendant Ramonita Reyes (hereinafter "Reyes") is a *sui juris* senior caseworker in the New York State Office of Children and Maltreatment Register with a principal place of business at:

85 Court Street  
Westchester County,  
White Plains New York, 10601  
+1 (914) 995-8452

9. Federal defendant Leslie Farucci (hereinafter "Farucci") is a *sui juris* senior caseworker in the New York State Office of Children and Maltreatment Register with a principal place of business at:

85 Court Street  
Westchester County,  
White Plains New York, 10601  
+1 (914) 995-5928

10. Federal defendant Wayne Humphrey (hereinafter "Humphrey") is a *sui juris*  
Deputy County Attorney in the Offices of John M. Nonna, Westchester County  
Attorney with a principal place of business at:

148 Martine Avenue  
Westchester County,  
White Plains New York 10601  
+1 (914) 995-2000

11. Federal defendant County of Westchester (hereinafter "County") is a county  
in the U.S. State of New York, covering an area of 450 square miles, consisting of  
48 municipalities with a principal place of business at:

Martin Luther King, Jr. Boulevard  
Westchester County,  
White Plains New York, 10601  
+1 (914) 995-8452

## STATEMENT OF RELEVANT FACTS

### The Child Neglect Trial

12. In a fact finding hearing from July 23, 2015 to August 31, 2015 it became  
abundantly clear that Respondent's (the Plaintiff in this action) Counsel was so far  
ahead that the only determination that could be made was dismissal of the Petition.  
The reason for the recusal of Hon. Rachel Hahn is, upon information and belief, that



the only way available to avoid dismissal of the Petition was to declare a mistrial and give Federal Defendant Rothman the means to regroup and thereby began a conspiracy to obstruct justice in her trial proceedings.

13. In a February 29, 2016 fact finding hearing in Westchester Family Court it was established that Federal defendant Rothman took the opportunity offered by Hahn and committed prosecutorial misconduct by tampering with a witness, Federal defendant Ramonita Reyes, to change her testimony from what defendant Reyes testified to on July 23, 2015 (mistrial declared Hahn, R. and see Transcript of July 23, 2016 versus March 1, 2016 attached as Exhibits "A" and "B" at <https://sites.google.com/a/arumaitechnologies.com/arumai-technologies-inc-enabling-connected-tv/home/court-exhibits>, where "B", the tampered with testimony, in a fair reading and comparison shall indicate the tampering).

14. In an April 20, 2016 letter, State defendant Farucci invoked the authority of her office when she sent Plaintiff one of many monthly letters, the implication being threatening further legal intervention and changing the goal from reunification to out of State adoption if Plaintiff did not comply with her demands attached herein as Exhibit "D" and Exhibit "E."

15. On March 29, 2016, Plaintiff made an application for a mistrial on the grounds of prosecutorial misconduct (the differing testimony between Exhibit "A" and Exhibit "B" where Exhibit "B" now meets the definition of the legal term "unsanitary

conditions" under New York State case law of which Federal defendant Rothman was well aware and designed the testimony as such). Hon. Arlene Katz denied the motion without oral argument the implication being that she tolerates and condones witness tampering in her trial proceedings and thereby created a civil conspiracy to cover up initiated by Hahn.

16. In a June 24, 2016 fact finding hearing in Westchester Family Court, Katz invoked the authority of her office and halted the proceedings in so far as a further direct examination of Federal defendant Reyes by Respondent's counsel Christina T. Hall, Esq., retired to her chambers, only to reappear minutes later and made a determination of Neglect against Respondent. By halting the proceedings just prior to the direct examination of Ms. Hall with Federal defendant Reyes (the tampered with party), Federal defendant Katz continued a civil conspiracy to cover up witness tampering and obstruction of justice in her trial proceedings and violated Plaintiff's Sixth Amendment right to face his accusers.

17. When viewing the case history of Federal defendant Rothman in Westchester Family Court, she has a remarkable track record in indicating respondents under the claim of "unsanitary conditions." If she had to tamper with a witness in this case to meet the test, it has been going on for years, *res ipsa loquitur*.

18. Upon the foregoing premises, Federal defendant Humphrey and Federal defendant County were under an obligation to supervise Federal defendant Rothman

and they did not.

### **The Parental Rights Trial**

19. In July 2016, the Westchester County Department of Social Services ("DSS") made a Petition to Terminate the Plaintiff's Parental Rights in retaliation for bringing related complaints in this action, including but not limited to Index No.: 65982/2016 *Lamont v. Farucci*, et al. (the "Abuse of Process Complaint." The Federal defendants defaulted in this action and there is a pending Application for Judgment by Default).

20. The parental rights trial was eventually set for January 9, 2017.

21. Rather than arguing the salient points of permanent neglect which include but are not limited to: severe or chronic abuse or neglect, sexual abuse, abuse or neglect of other children in the household, abandonment, long-term mental illness or deficiency of the parent(s), long-term alcohol or drug-induced incapacity of the parent(s), failure to support or maintain contact with the child, or involuntary termination of the rights of the parent to another child, Federal defendant Rothman honed in on failure to maintain contact with the child and tampered with and instructed Federal defendant Farucci to make false statements of fact under oath.

22. On cross examination, Federal defendant Farucci was forced to admit that she made false statements of fact under oath, at the behest of Federal defendant Rothman, no less than four (4) times evidenced by Exhibit "C" at <https://sites.google.com/a/arumaitechnologies.com/arumai-technologies-inc->



enabling-connected-tv/home/court-exhibits

23. Upon the foregoing premises, Federal defendant Humphrey and Federal defendant County were under an obligation to supervise Federal defendant Rothman and they did not.

24. On April 24, 2017, Schauer issued an adjournment with the contemplation of dismissal for a period of one (1) year so long as Plaintiff entered individual therapy notwithstanding the fact that there was neither no evidence before her nor allegations in the neglect petition that Plaintiff needed individual therapy; Plaintiff entered individual therapy under Melissa Pirwani, LCSW on October 17, 2017.

#### **VIOLATIVE ACTS**

25. Obstruction can include crimes committed by judges, prosecutors, attorneys general, and elected officials in general. It is misfeasance, malfeasance or nonfeasance in the conduct of the office. Most commonly it is prosecuted as a violation of perjury. In the Hahn trial, though not a Federal defendant in this action, she began the conspiratorial act of obstructing justice by recusing herself knowing that the next trial date would be six months later to give the County more time to regroup.

26. Witness tampering is the act of attempting to alter or prevent the testimony of witnesses within criminal or civil proceedings. Laws regarding witness tampering also apply to proceedings before Congress, executive departments, and



administrative agencies. To be charged with witness tampering in the United States, the attempt to alter or prevent testimony is sufficient. There is no requirement that the intended obstruction of justice be completed.

27. When Federal defendant Rothman coached Federal defendant Reyes and Federal defendant Farucci to change their testimony under oath, upon information and belief, she did so by telephone.

28. When Federal defendant Rothman allegedly coached Federal defendant Reyes and Federal defendant Farucci to change their testimony under oath, upon information and belief, she did so as a means to obstruct justice.

29. When Federal defendant Farucci threatened Plaintiff, the implication being termination of parental rights and recommendation of out of state adoption if Plaintiff did not comply with her demands, she did so as a means to extort Plaintiff.

30. In trial proceedings on July 23, 2015 (Hahn, R. mistrial declared on August 31, 2015), Federal defendant Reyes was only able to say that her shoes stuck to the floor in Plaintiff's house and that she saw spots on 2 of 7 bath towels that appeared to be feces.

31. Reyes was unable to corroborate any other allegations contained within her Petition in the Family Court Proceedings. At this point the testimony does not meet the definition of the legal term, "unsanitary conditions," under New York State case law (see *Matter of Jennifer B.*, 163 AD2d 910, 558 NYS2d 429 (4th Dept. 1990),

220 *Matter of Pedro F.*, 622 NYS 2d 518 (1st Dept. 1995), *Matter of Billy Jean II* 640  
221 NYS2d 326 (3rd Dept. 1996)).

222 32. Perturbed, in trial proceedings on March 1, 2016 (Katz, A.) Federal defendant  
223 Rothman instructed Reyes to change her testimony to state that there were urine and  
224 feces on the floor, urine and feces in the bath tub, urine and feces on the commode,  
225 urine and feces in the sink, and urine and feces on the wall, and did so with malice  
226 and intent.

227 33. In fact, the only place Federal defendant Reyes did not see urine and feces  
228 was on the ceiling though there is no factual evidence that she looked up.

229 34. At this point the testimony DOES meet the definition of the legal term,  
230 "unsanitary conditions," under New York Federal case law.

231 35. Similarly perturbed and in retaliation for bringing complaints, on January 9,  
232 2017, Federal defendant Rothman instructed Federal defendant Farucci to falsely  
233 testify that Plaintiff failed to confirm multiple visitations with the child. At this  
234 point the testimony DOES meet the definition and provides a causal nexus for the  
235 forfeiture of parental rights.

236 36. These communications were a scheme to defraud, proven by an attempt to add  
237 to the allegations to the Petition that commenced the Family Court Proceedings and  
238 to support the allegation of the Petition to Terminate Parental Rights.

239 37. The property, as an object of the scheme, was a successful determination of

240 permanent neglect and Termination of Parental Rights by Federal defendant  
241 Rothman.

242 38. In preparing for the March 1, 2016 trial and the January 9, 2017 trial, these  
243 communications took place, upon information and belief, in telephone  
244 conversations.

245 39. Federal defendants Rothman, Reyes, and Farucci were involved in these  
246 communications. These communications were fraudulent as evidenced by a  
247 comparison of Exhibit "A" and "B" and Exhibit "C" at  
248 [https://sites.google.com/a/arumaitechnologies.com/arumai-technologies-inc-](https://sites.google.com/a/arumaitechnologies.com/arumai-technologies-inc-enabling-connected-tv/home/court-exhibits)  
249 [enabling-connected-tv/home/court-exhibits](https://sites.google.com/a/arumaitechnologies.com/arumai-technologies-inc-enabling-connected-tv/home/court-exhibits) and has harmed Plaintiff and the injury  
250 was caused by the violation of 18 U.S.C.A. §§ 1961 et seq.

251 40. On June 24, 2016, Katz, though not a subject of the instant action, abused her  
252 discretion when she halted the proceedings just before Respondent's Counsel (this  
253 Plaintiff) was to begin direct examination of Federal defendant Reyes (the tampered  
254 with party) and began a conspiracy to cover up witness tampering and obstruction  
255 of justice in her trial proceedings.

256 41. On October 16, 2017 Schauer, though not a subject of the instant action,  
257 abused her discretion when she heard and ruled and terminated Plaintiff's parental  
258 rights without giving Plaintiff the full 12 months to undergo individual therapy that  
259 she ordered on April 24, 2017.



42. Schauer not only abused her discretion, but rubber stamped the violation charge of DSS and *violated her own* April 24, 2017 order. Adjournment extensions when needed, which is not the case here, are routinely granted (see Family Court Act - §§ 1039, 1052).

**Tampering with a Witness - Legal Standard**

18 U.S. Code § 1512 (b) provides:

Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to

(1) influence, delay, or prevent the testimony of any person in an official proceeding...;

18 U.S. Code § 1512 (c) (2) provides:

Whoever corruptly-otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so...

18 U.S. Code § 1512 (e) provides:

In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

18 U.S.C. § 1515 (3) provides:

the term "misleading conduct" means-knowingly making a false statement;

(A) knowingly making a false statement

(B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a



material fact, and thereby creating a false impression by such statement

(E) knowingly using a trick, scheme, or device with intent to mislead;

18 U.S.C. § 1515 (b) provides:

(b) As used in §1505, the term "corruptly" means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information

### **Discussion**

43. Plaintiff states, by Exhibit "A" in comparison Exhibit "B" and Exhibit "C" the facts of the instant action make it abundantly clear that Federal defendant Rothman knowingly, corruptly persuaded Federal defendant Reyes and attempted to do so, to engage in misleading conduct and persuaded Federal defendant Reyes with the intent to (1) influence, delay, or prevent the testimony of Federal defendant Reyes in an official proceeding. Federal defendant Rothman committed witness tampering under the Federal equivalent of 18 U.S.C. §1512.

44. Federal defendant Rothman simply asked Federal defendant Reyes and Federal defendant Farucci to tell less than the whole truth and Federal defendant Reyes and Federal defendant Farucci knew that they were being asked to tell less than the whole truth, therefore Federal defendant Rothman corruptly persuaded the witness and is a violation of the laws, *res ipsa loquitur*, and has harmed Plaintiff and the injury was caused by the violation of 18 U.S.C.A. §§ 1961 .

### **Obstruction of Justice - Legal Standard**

323  
324 45. 18 U.S. Code § 1503 and the State equivalent provides:

325       Whoever corruptly...endeavors to influence, obstructs, or impedes, or  
326       endeavors to influence, obstruct, or impede, the due administration of  
327       justice.

328  
329 **Discussion**

330  
331 46. 18 U.S.C. §1515 states:

332  
333       ...the term "corruptly" means acting with an improper purpose, personally or  
334       by influencing another, including making a false or misleading statement, or  
335       withholding, concealing, altering, or destroying a document or other  
336       information.

337  
338 47. Plaintiff states, by Exhibit "A" in comparison Exhibit "B" and Exhibit "C" the  
339 facts of the instant action make it abundantly clear that Federal defendant Rothman  
340 did corruptly endeavor to influence, obstructs, or impedes, or endeavors to influence,  
341 obstruct, or impede, the due administration of justice. In doing so, Federal  
342 defendants Rothman, Reyes, and Farucci committed obstruction of justice under  
343 Section 1503.

344 **48.** Federal defendant Rothman simply asked Federal defendant Reyes and  
345 Federal defendant Farucci to tell less than the whole truth and Federal defendant  
346 Reyes and Federal defendant Farucci knew that they were being asked to tell less  
347 than the whole truth, therefore Federal defendant Rothman corruptly influenced,  
348 obstructed, impeded, and endeavored to influence, obstruct, or impede, the due  
349 administration of justice and is a violation of the statute, *res ipsa loquitur*, and has

350 harmed Plaintiff and the injury was caused by the violation of 18 U.S.C.A. §§ 1961

351 **. Extortion -Legal Standard**

352  
353 49. In law, extortion is defined as the obtaining of property from another with his  
354 or her consent, by the wrongful use of either force or fear, or under color of official  
355 right. The property or right to property must be obtained. This can be either the  
356 property itself or the right to it.

357 50. Property rights that can be transferred to constitute extortion

358 51. The right to prosecute a lawsuit or an appeal.

359 52. Obtaining an official act of a public officer can be the basis of extortion.

360 53. If a person makes an extortionate demand in writing he may guilty even if the  
361 victim parts with no property.

362 54. Any person who, by use of improper threat, another person's signature on any  
363 document gets giving a property right may be charged with extortion even if the  
364 property right is never actually obtained.

365 **Discussion**

366  
367 55. By Exhibit "D" of the instant action, Plaintiff alleges that Federal defendant  
368 Farucci is in possession of property of the Plaintiff, his son, SL, without his consent.

369 56. Federal defendant Farucci induced Plaintiff to provide that property under  
370 color of official right.

371 57. Where Federal defendant Farucci states" there has been no progress toward



reunification, the implication is that Federal defendant Farucci will seek further legal intervention against Plaintiff (termination of parental rights) and directing SL to out of state adoption should Plaintiff not acceded to her demands to, *inter alia*, seek deep-seated, forensic therapy where there was no such allegation of mental illness in the Petition that commenced the Family Court proceedings, *res ipsa loquitur*, and has harmed Plaintiff and the injury was caused by the violation of 18 U.S.C.A. §§ 1961.

58. On May 24, 2016, Federal defendant Farucci sent Plaintiff a letter threatening him with termination of his parental rights should he not comply with her baseless demands attached herein as Exhibit "D," in further violation of the laws.

#### **Conspiracy to Cover Up Witness Tampering and Obstruct Justice - Legal Standard**

59. 42 U.S.C. § 1985 provides:

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness ... from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to ... to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

#### **Discussion**



401 60. On June 24, 2016, Hon. Arlene Katz (not a party to the instant action) was so  
402 fearful that Respondent's Counsel's (this Plaintiff) direct examination of Federal  
403 Defendant Reyes (the tampered with party) would break the allegations of witness  
404 tampering and obstruction of justice wide open and point to the complicity of Katz  
405 in denying a March 29, 2016 Motion for a Mistrial on the grounds of prosecutorial  
406 misconduct that she abruptly halted the proceedings and reconvened minutes later  
407 to sustain the County's petition against the Plaintiff (Respondent in Family Court).

408 61. In doing so, Katz picking up from Hahn and Rothman and created a  
409 conspiracy to cover up witness tampering and obstruction of justice in her trial  
410 proceedings; Katz violated Plaintiff's Sixth Amendment right to face his accusers.

411 **Abuse of Discretion - Legal Standard**  
412

413 62. On June 24, 2016, Katz abused her discretion, where abuse of discretion is  
414 defined as "a plain error, discretion exercised to an end not justified by the evidence,  
415 a judgment that is clearly against the logic and effect of the facts as are found"  
416 *Rabkin v. Oregon Health Sciences Univ.*, 350 F.3d 967, 977 (9th Cir. 2003) and  
417 "when the appellate court is convinced firmly that the reviewed decision lies beyond  
418 the pale of reasonable justification under the circumstances" (see *Kode v. Carlson*,  
419 596 F.3d 608, 612-13 (9th Cir. 2010) (per curiam)) and halted the proceedings just  
420 before Respondent's Counsel (this Plaintiff) was to begin direct examination of  
421 Federal defendant Reyes (the tampered with party) and began a conspiracy to cover

up witness tampering and obstruction of justice in her trial proceedings.

63. A court abuses its discretion when:

a. A court does not apply the correct law or rests its decision on a clearly erroneous finding of a material fact. See *Jeff D. v. Otter*, 643 F.3d 278 (9th Cir. 2011) (citing *Casey v. Albertson's Inc.*, 362 F.3d 1254, 1257 (9th Cir. 2004)).

b. A court rules in an irrational manner. See *Chang v. United States*, 327 F.3d 911, 925 (9th Cir. 2003);

c. A court makes an error of law. See *Koon v. United States*, 518 U.S. 81, 100 (1996); and

d. Record contains no evidence to support the court's decision. See *Oregon Natural Res. Council v. Marsh*, 52 F.3d 1485, 1492 (9th Cir. 1995).

## Discussion

64. Katz was in possession of the entire record from February 4, 2015 to June 24, 2016.

65. On October 1, 2015, Katz claimed she had reviewed the entire record.

66. Katz was presiding over trial proceedings on March 1, 2016 and having reviewed the record noticed the material differences in the testimony of Federal defendant Reyes (the tampered with party).

67. Katz was presented with a motion for mistrial on March 29, 2016 on the grounds of prosecutorial misconduct and on June 24, 2016 Federal Defendant Katz abused her discretion, and halted the proceedings just before Respondent's Counsel (this Plaintiff) was to begin direct examination of Federal defendant Reyes (the tampered with party) and began a conspiracy to cover up witness tampering and obstruction of justice in her trial proceedings, *res ipsa loquitur*, and sustained the County Petition of Neglect against Plaintiff.

68. On April 24, 2017, Hon. Michele I. Schauer (not a party to the instant action) ordered an adjournment in contemplation of dismissal in the Parental Rights Trial for one (1) year, and by hearing a violation charge five (5) months later, and issuing an adverse ruling against Plaintiff, Schauer not only abused her discretion but *violated her own April 24, 2017 order*.

**FEDERAL DEFENDANT ROTHMAN IS NOT ENTITLED TO QUALIFIED IMMUNITY OR ABSOLUTE PROSECUTORIAL IMMUNITY.**

69. The U.S. Supreme Court has carved out one limited exception to absolute immunity: When prosecutors act as investigators they lose their absolute immunity, at which point they are only protected by the doctrine of qualified immunity.

70. In *Buckley v. Fitzsimmons* (91-7849), 509 U.S. 259 (1993), the prosecutor accused of manufacturing evidence while aiding with the police investigation was not the same prosecutor who tried the case. The 7th Circuit ruled that the actual



injury incurred by the defendant as a result of the misconduct occurred at trial, not during the investigation. The U.S. Supreme Court took the case on appeal. The court ruled that prosecutor was only entitled to qualified immunity and that his actions were egregious enough that qualified immunity could not protect him.

71. In *Pottawattamie Cnty. v. McGhee*, 558 U.S. 1103, 130 S. Ct. 1047, 175 L. Ed. 2d 641 (2010) [2010 BL 5858] prosecutors were accused of manufacturing evidence. The attorneys for the prosecutors argued that the actual harm done to a defendant by misconduct committed during an investigation only attaches when that evidence is introduced against him at trial.

72. In *Fields v. Wharrie*, the recent decision from the 7th Circuit, Fields discovered that prosecutors had knowingly coerced witnesses into giving false testimony. Writing for the majority, Judge Richard Posner makes it clear that *Buckley* was a special circumstance in which one prosecutor replaced another before trial, and that it should not be used to close the investigation exception to absolute immunity.

73. When Federal defendant Rothman prepared Federal Defendant Reyes for the second Child Neglect trial and prepared Federal defendant Farucci for the Parental rights trial she acted as an investigator but when Federal Defendant Rothman, brought her investigated "results" to trial it attaches. Federal Defendant Rothman, violated clearly established law of which a reasonable prosecutor should have known



in *Buckley*.

74. Respectfully, no matter what absolute or qualified immunity defense the Federal defendant Rothman tries to employ there is no getting around the *Buckley*, *Pottawattamie Cnty*, and *Fields*.

**FEDERAL DEFENDANTS REYES, FARUCCI, AND HUMPHREY ARE NOT ENTITLED TO QUALIFIED IMMUNITY OR ABSOLUTE IMMUNITY.**

75. In *Ernst v. Child & Youth Servs. of Chester County*, 108 F.3d 486 (3d Cir.1997), the court held that, like prosecutors, child welfare workers often have to make decisions in a short amount of time and with limited information.

76. Additionally, the court explained that child services workers are like prosecutors because they are "'advocates for the State' " and serve in a function "'intimately associated with the judicial phase of the [child protection] process.' " *Id.* (quoting *Imbler*, 424 U.S. at 430-31 n. 33, 96 S.Ct. at 995, 996 n. 33). Specifically, the Court noted that child welfare workers are directly responsible for recommendations made to the court in dependency proceedings and for their actions in determining those recommendations and communicating them to the court. We concluded that this direct responsibility was similar to a prosecutor's in criminal prosecutions.

77. As the 3rd Circuit likens child workers to prosecutors, Federal defendants Reyes, Farucci, and Humphrey are not protected by absolute or qualified immunity.

78. Respectfully, no matter what absolute or qualified immunity defense the Federal defendants Reyes, Farucci, and Humphrey try to employ there is no getting around the *Ernst* and *Imbler*.

**VENUE IS PROPER**

79. 18 U.S. Code § 1965 provides:

(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

**SUMMARY**

80. Plaintiff has pled with particularity (1) a violation of the laws in assertion of witness tampering, obstruction of justice, extortion, conspiracy to cover up, and abuse of discretion (2) an injury to business or property in a fraudulent intent to add to the false allegation of Neglect contained within the Petition that commenced the Family Court Proceedings; and (3) that the injury was caused by the violation of 18 U.S.C.A. §§ 1961 by the assertion of fraud, witness tampering, obstruction of justice, extortion, and conspiracy to cover up.

81. There is no question that the obstruction and witness tampering statutes can be violated by acts that occur in civil proceedings. The case law is consistent in

upholding that any attempt to influence, obstruct or impede the due administration of justice in a civil proceeding violates Section 1503. *United States v Lundwall*, et al. 97 Cr. 0211 (BDP) S.D.N.Y 1 F. Supp. 2d 249; 1998 U.S. Dist. LEXIS 4466 is a perfect example, as it began as a civil case. The actual language of the witness tampering statute and the State equivalent makes it clear that it also applies to civil cases.

#### **COUNT ONE**

##### **VIOLATION OF 18 U.S. Code § 1512 (WITNESS TAMPERING)**

(Federal Defendants Noreen T. Rothman, Ramonita Reyes, Leslie Farucci, Wayne Humphrey, County of Westchester)

82. Plaintiff repeats and realleges each and every allegation contained in paragraph "1" through "81", as though fully set forth herein.

83. Federal Defendants' egregious and unlawful conduct during trial proceedings in witness tampering and obstruction of justice with a reckless disregard for the truth, and were stated with malice causes injury.

84. As a result of the Federal Defendants' acts, Plaintiff now suffers and will continue to suffer irreparable injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **ONE HUNDRED AND FIFTY MILLION DOLLARS** (\$150,000,000) as well as punitive damages, costs, and attorney's fees.

#### **COUNT TWO**

##### **VIOLATION OF 18 U.S. Code § 1512 (OBSTRUCTION OF JUSTICE)**

(Federal Defendants Noreen T. Rothman, Ramonita Reyes, Leslie Farucci, Wayne



Humphrey, County of Westchester)

85. Plaintiff repeats and realleges each and every allegation contained in paragraph "1" through "81", as though fully set forth herein.

86. Federal Defendants' egregious and unlawful conduct during trial proceedings in witness tampering and obstruction of justice with a reckless disregard for the truth, and were stated with malice causes injury.

87. As a result of the Federal Defendants' acts, Plaintiff now suffers and will continue to suffer irreparable injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount **ONE HUNDRED AND FIFTY MILLION DOLLARS** (\$150,000,000) as well as punitive damages, costs, and attorney's fees.

**COUNT THREE**  
**VIOLATION OF 18 U.S.C.A. §§ 1961, et seq. (EXTORTION)**  
(Federal Defendant Leslie Farucci and County of Westchester)

88. Plaintiff repeats and realleges each and every allegation contained in paragraph "1" through "81", as though fully set forth herein

89. Federal Defendants' egregious and unlawful conduct in extorting Plaintiff with a reckless disregard for the truth, and were stated with malice causes injury.

90. As a result of the Federal Defendants' acts, Plaintiff now suffers and will continue to suffer irreparable injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **ONE**



**HUNDRED AND FIFTY MILLION DOLLARS (\$150,000,000)** as well as  
punitive damages, costs, and attorney's fees.

### **DAMAGES**

91. As established above, in these instances, Federal Defendants Rothman, Reyes, Farucci, Humphrey, and the County of Westchester portray themselves as witness tamperers and obstructioners of justice and Federal defendant Farucci's conduct in extorting Plaintiff with a reckless disregard for the truth.

92. As a result of the Federal Defendants' acts, Plaintiff now suffers and will continue to suffer irreparable injury and monetary damages, and that Plaintiff is entitled to damages sustained to date and continuing in excess of the amount of **FOUR HUNDRED AND FIFTY MILLION DOLLARS (\$450,000,000)** as well as punitive damages, costs, and attorney's fees.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that Judgment be entered against the Federal defendants, jointly and severally, in the amount of **FOUR HUNDRED and FIFTY MILLION DOLLARS (\$450,000,000)** for emotional distress damages and injury to reputation, as well as punitive damages, treble damages, attorney's fees, and costs fees.

**JURY TRIAL IS DEMANDED**

606  
607 Plaintiff demands a trial by jury on all claims so triable.  
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609 Dated: May 13, 2018  
610 Santa Clara, Cal.  
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612 By:  
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615 *P. Stephen Lamont*  
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617 P. Stephen Lamont, Pro Se  
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**EXHIBIT “A”**

<https://sites.google.com/a/arumaitechnologies.com/arumai-technologies-inc-enabling-connected-tv/home/court-exhibits>



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**EXHIBIT “B”**

<https://sites.google.com/a/arumaitechnologies.com/arumai-technologies-inc-enabling-connected-tv/home/court-exhibits>

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**EXHIBIT "C"**

<https://sites.google.com/a/arumaitechnologies.com/arumai-technologies-inc-enabling-connected-tv/home/court-exhibits>



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

April 20, 2016

Dear Mr. Lamont,

This letter is to notify you of your visitation schedule for the month of May

Your next visit is scheduled for at May 6, 2016 4:00 pm  
The following visit will be on May 20, 2016 at 4:00 pm

You must confirm your visit by a telephone call by 12:00 pm on May 5th, and by 12:00 pm on May 19th or your visit will be canceled.

My recent attempt to contact you by telephone was unsuccessful due to your number not being in service. Please provide me with an alternate phone number so I can reach you when necessary. I have received your letter regarding items that you stated will be needed for Stephen to attend summer camp. I wanted to discuss what items you were going to purchase for your son on the list provided to me. I hope to see you on May 5th at 3:30 pm, for casework counseling, so we can discuss the Adoption and Safe Families Act (ASFA), which defines certain time frames for children to remain in foster care before further legal intervention is needed in order to achieve permanency for a child. Stephen has been in foster care for over a year and there has been no progress towards the goal of reunification. If you have any questions you may reach me at 995-5928, if not I will see you May 6, 2016 at 3:30.

A handwritten signature in dark ink, appearing to read "Leslie Farucci".

Leslie Farucci, Sr. Social Case worker  
Child Welfare Services/Foster Care  
White Plains District Office  
85 Court Street, 4th Fl  
White Plains, NY 10601  
Office 914-995-5928  
Facsimile 914-995-6339





**EXHIBIT “D”**



Robert P. Astorino  
County Executive

Department of Social Services

Kevin M. McGuire  
Commissioner

May 24, 2016

Dear Mr. Lamont,

This letter is to notify you of your visitation schedule for the month of June

Your next visit is scheduled for at June 1, 2016 4:00 pm

Your next visit will be on June 15, 2016 at 4:00 pm

Your next visit will be on June 29, 2016

You must confirm your visit by a telephone call by 12:00 pm on May 31st, June 14th and June 28th or your visit will be canceled.

I hope to see you on June 1st at 3:30 pm, for casework counseling, so we can discuss the Adoption and Safe Families Act (ASFA), which defines certain time frames for children to remain in foster care before further legal intervention is needed in order to achieve permanency for a child. Stephen has been in foster care for over 16 months and there has been no progress towards the goal of reunification. At this time the Department will be making a referral to the Legal Department to initiate a guardianship petition. If you need Metro cards to attend your visit and planning conferences please let me know in advance so I may get them to you in a timely fashion. Also a Service Plan Review has been scheduled for June 22, 2016 at 10:00 am. Both your visits and Service Plan Review will be held at 112 East Post Road, White Plains on the 4th floor. If you have any questions you may reach me at 995-5928, if not I will see you June 1, 2016 at 3:30.

A handwritten signature in cursive script, appearing to read "Leslie Farucci".

Leslie Farucci, Sr. Social Case worker  
Child Welfare Services/Foster Care  
White Plains District Office  
85 Court Street, 4th Fl  
White Plains, NY 10601  
Office 914-995-5928  
Facsimile 914-995-6339

